

Annual Report 1987-88

Saskatchewan Legal
Aid Commission

89-03882/

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Minister
of Social
Services

Saskatchewan

Legislative Building
Regina, Canada
S4S 0B3

(306) 787-3661

The Honourable F. W. Johnson
Lieutenant Governor of the
Province of Saskatchewan
Legislative Building
Regina, Saskatchewan
S4S 0B3

May It Please Your Honour:

I have the honour to submit the Annual Report of The
Saskatchewan Legal Aid Commission for the fiscal year
ended March 31, 1988.

Respectfully submitted,

Grant Schmidt
Minister of Social Services



Saskatchewan
Legal Aid
Commission

Central
Office

#820 - 410 22nd Street East
Saskatoon, Canada
S7K 2H6

(306) 933-5300

Toll Free 1-800-667-3764

The Honourable Grant Schmidt
Minister of Social Services
Legislative Building
Regina, Saskatchewan
S4P 3V6

Dear Sir:

It is my pleasure to forward to you the Fourteenth Annual Report of The Saskatchewan Legal Aid Commission in accordance with Section 38(1) of The Legal Aid Act, depicting the affairs of the Commission in the 1987/88 fiscal year.

Respectfully submitted,

Donald R. Morgan,
Chairman

Overview

The Saskatchewan Legal Aid Commission learned on June 17, 1987 of its legislative appropriation of \$5,771,900, an 8% decrease over the previous year. To meet the necessity of balancing the legal aid budget, the Commission reduced non-salary expenditures, delayed or froze several staff positions, laid off five staff and implemented a more rigorous contribution policy. During the year, negotiations concluded with CUPE, Local 1949, which represents most legal aid employees, resulting in a collective bargaining agreement with no wage increases for the period April 1, 1987 to March 31, 1989. The freeze on salaries also was applied to non-unionized positions. At March 31, 1988, the total staff complement was down by 20 persons (14%) and the number of full service applicants fell by 1978 (10%), both compared to the previous year. With the help of supplemental funding from the Department of Social Services, the financial statements at year end showed a small surplus.

Ian J. Wilson, Chairman of the Saskatchewan Legal Aid Commission, submitted his resignation, in order to participate in the Early Retirement Program, effective June 30, 1987.

A. Quentin Agnew, Q.C., a member of the Commission since 1979, became Acting Chairman July 1, 1987 and served until his resignation February 11, 1988.

Morris Bodnar, Q.C., was

elected Vice Chairman by the members of the Commission and presided over meetings of the Commission from February 1988 to June 1988.

Mrs. Darlene Neuman of Yorkton was appointed member of the Commission in December 1987.

Ms. Barbara Tomkins was appointed Legal Director at the South East Area Office, Estevan, following the resignation of Ms. Shirley Novak in February 1988.

During the 1987/88 year, the formal evaluation of the Saskatchewan Legal Aid Commission continued. The DPA Group Inc. was retained by the Federal Department of Justice pursuant to a requirement in a Federal/Provincial Cost Sharing Agreement concerning legal aid. The report was in its final stages at year end.

The Canadian Centre for Justice Statistics funded a Feasibility and Requirements Study for a computerized Management Information System. The report, completed in June 1987, called for expanded hardware and software capabilities. Due to fiscal restraint, this project was put on indefinite hold.

This annual report describes the fourteenth year of operations of Legal Aid in Saskatchewan. Many of the people still working for the Plan were here in the first years of operation. Over the years they have matured, but remain dedicated. The continuing contribution of all staff is acknowledged.

**Members of
The Saskatchewan
Legal Aid Commission
1987/88***

Ian J. WILSON, Saskatoon,
Chairman (to June 30, 1987)

Appointed by:

Lieutenant Governor in Council

A. Quentin AGNEW, Q.C.,
Saskatoon,
Acting Chairman (July 1,
1987 to February 11, 1988)

Lieutenant Governor in Council

A. Quentin AGNEW, Q.C.,
Saskatoon

Attorney General for Canada
(to February 11, 1988)

Jo-Ann BADLEY, Regina

Lieutenant Governor in Council

James BENNING, Regina

Minister of Justice

Morris BODNAR, Q.C.,
Saskatoon

Law Society of Saskatchewan

Evelyn GAMBLE, Duck Lake

Lieutenant Governor in Council

Gus LOUISON, Prince Albert

Association of Area Boards

Darlene NEUMAN, Yorkton

Lieutenant Governor in Council
(from December 31, 1987)

Wilfrid TUCKER, Saskatoon

Law Society of Saskatchewan

Paulette VANDERLINDE,
Regina

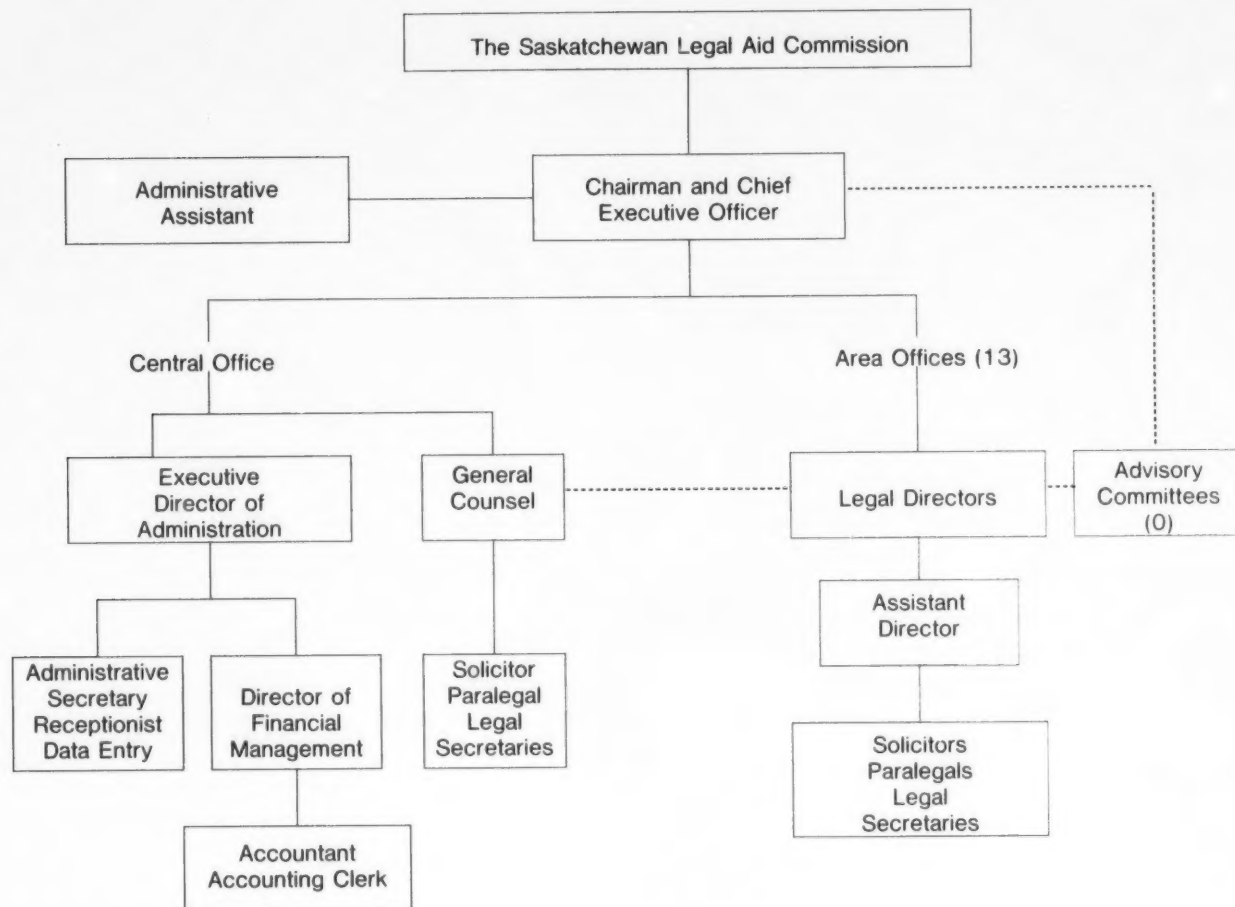
Lieutenant Governor in Council

Greg WALLEN, Saskatoon

Association of Area Boards

- * **The Legal Aid Act** provides for the appointment of eleven members — three members appointed by the Chairmen of the Advisory Committees, two members of the Law Society of Saskatchewan, one member appointed by the Attorney General for Canada, four members appointed by the Lieutenant Governor in Council, and one member who is an employee of the Department of Justice appointed by the Minister.

Organizational Chart



Profile of The Saskatchewan Legal Aid Commission

Purpose

— "... to provide legal services to persons and organizations in respect of civil and criminal matters where

those persons and organizations are financially unable to secure those services from their own resources."

History

— The Saskatchewan Legal Aid Plan formally came into existence with the proclamation of *The Community Legal Services (Saskatchewan) Act* in August of 1974. This legislation was based on the work of the Carter

Committee. In 1979, the Act was amended following the McClelland Report. In 1982/83, the MacPherson Report recommended further changes and on September 1, 1983, *The Legal Aid Act* was proclaimed.

Delivery Model

— The Saskatchewan Plan uses a salaried staff delivery model for the majority of its applicants. In 1987/88 the Plan employed 55 lawyers, 21 paralegals and 52 administrative and support staff. The services of private practice lawyers

may be used where a client is charged with an offence punishable by minimum life imprisonment or where the Commission feels it would be impossible or improper for an employee to provide service.

Legal Aid Services

Financial Eligibility — An applicant is eligible for legal aid if:

- a) the applicant receives income or other benefits from social assistance (ie, Saskatchewan Assistance Plan, Family Income Plan or Indian and Northern Affairs Canada),
- b) the applicant is not receiving social assistance but would be entitled to because his financial resources are at social assistance levels (ie, the Family Income Plan Guidelines using a sliding scale based on family size). Applicants may be asked to contribute towards the costs of legal services,
- c) the applicants obtaining legal services not from legal aid would reduce his financial resources to the social assistance level. Applicants may be asked to contribute towards the costs of legal services.

Range of Services — Legal services are provided to eligible applicants if the services required fall within the range of service and have professional merit. The Range of Services include:

1. Criminal Matters — a great many, but not all, legal services are provided.

2. Civil Law Matters — most legal services in civil law are restricted to Family Law.
3. In some areas of the province (such as the North), legal aid to meet special needs may be provided.
4. Summary advice and information may be provided to anyone about a wide range of matters if they involve no more than a brief interview or telephone call.

Appeal Process — All persons making application for legal aid must qualify according to financial eligibility, range of service and professional merit guidelines. Applicants denied coverage are notified in writing of the refusal and of their right to appeal the decision to the Chairman of the Commission. The decision of the Chairman is final.

Young Offenders Coverage — is available for financially eligible applicants charged under the *Young Offenders Act*. The Commission also acts as agent for the Saskatchewan Minister of Justice when the Court has ordered the appointment of Counsel for a young offender.

Mental Health Services Act

— On April 1, 1986, the new *Mental Health Services Act* became law. As part of the provisions, the proposition of Official Representative was created in order to impart information with regard to patient rights to those patients who are involuntarily committed

for treatment to Mental Hospitals in Saskatchewan. These Official Representatives are staff members of the Saskatchewan Legal Aid Commission and they provide these services in the Mental Health Regions throughout the province.

Reciprocity Among Provinces

— Saskatchewan participates in a nationwide agreement among provinces

to provide legal services to eligible applicants resident in other provinces.

Funding

— The Saskatchewan Legal Aid Commission is funded by the Provincial Government through Saskatchewan Social Services. By agreement, the Government of Canada reimburses the Province for a portion of legal aid expenditures on adult criminal matters,

young offender matters and some civil matters. During 1987/88 the Province received \$3,778,632 from the Government of Canada. The other main source of revenue is from clients contributing towards the cost of providing their legal services.

Legal Aid Area Offices

Central Office

#820 - 410 22nd Street East
Saskatoon, SK S7K 2H6
933-5300 1-800-667-3764
Donald R. Morgan, Chairman
Harold P. Pick, Q.C., General
Counsel

Laura M. Lacoursiere, Director
of Administration

The Battlefords Area Office

1192 - 103rd Street
North Battleford, SK S9A 1K6
446-7700

Jack Hillson, Legal Director

Meadow Lake Area Office

Box 1630
2nd Floor, 214 - 1st Street
East
Meadow Lake, SK S0M 1V0
236-4464
George Thurlow, Legal Director

Melfort Area Office

Box 6500
3rd Floor, 105 Crawford
Avenue East
Melfort, SK S0E 1A0
752-5717
Barry Treacy, Legal Director

Moose Jaw Area Office

113 - 110 Ominica Street West
Moose Jaw, SK S6H 6V2
694-3700
Mervyn Shaw, Legal Director

Northern Area Office

Box 510
Mistasinihk Place, 1328
LaRonge Avenue
LaRonge, SK S0J 1L0
425-4455 1-800-772-4067
Robert McCann, Legal Director

Prince Albert Area Office

Box 3003
11th Floor, McIntosh Mall
800 Central Avenue
Prince Albert, SK S6V 6Z2
953-2850
James Crane, Legal Director

Regina City Area Office

2nd Floor, 1942 Hamilton
Street
Regina, SK S4P 2C5
787-8760
Michael B. Ryan, Legal Director

Regina Rural Area Office

#3 - 281 Albert Street
Regina, SK S4R 2N5
787-1141
David Andrews, Legal Director

Regina Rural Area Office (Sub Office)

Box 3003, 110 Souris Avenue
Weyburn, SK S4H 2Z9
842-5437

Saskatoon City Area Office

#210 - 728 Spadina Crescent
East
Saskatoon, SK S7K 4H7
933-7820
Sheila P. Whelan, Legal
Director

Saskatoon Rural Area Office

#203 - 220 3rd Avenue South
Saskatoon, SK S7K 1M1
933-7855
Betty Lou Huculak, Legal
Director

South East Area Office

Box 326, 1314B 3rd Street
Estevan, SK S4A 2A4
634-0790
Barbara Tomkins, Legal Director

Swift Current Area Office

510 - 350 Cheadle Street West
Swift Current, SK S9H 4G3
773-2904
Leslie Cooper, Legal Director

Yorkton Area Office

Box 69
41 Broadway West
Yorkton, SK S3N 2V6
786-1440
David Bright, Legal Director

Summary of Disposition of Appeals/Complaints Directed to the Office of the Chairman April 1, 1987 to March 31, 1988

There are four categories under which an applicant or client can appeal to the office of the Chairman:

- i) Appeal against refusal — fiscal eligibility or financial resources.
- ii) Appeal against refusal — range of services.
- iii) Appeal against refusal or withdrawal of services — professional discretion.
- iv) Complaint about services received or about the professional conduct of a solicitor.

Conclusions are determined as follows.

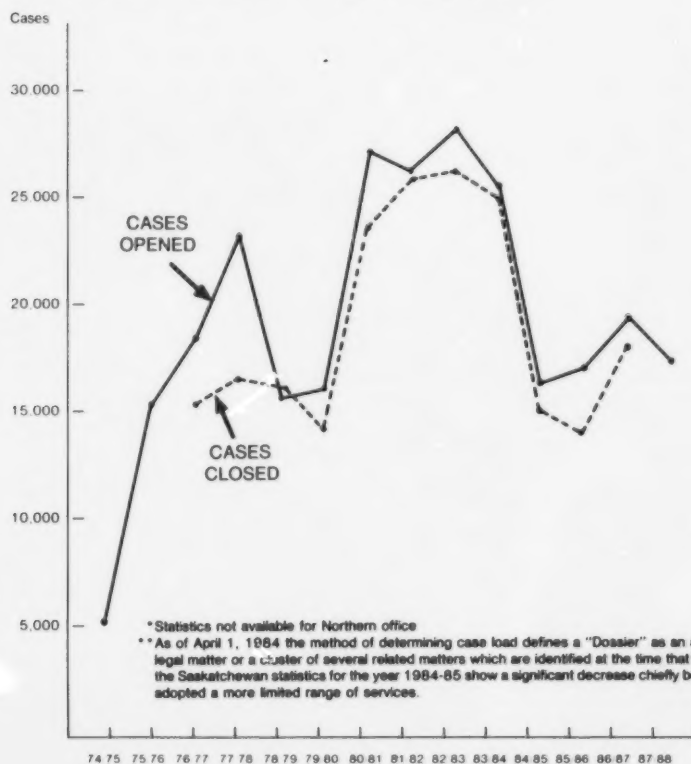
- i) Resolved — the matter is discussed with applicant (client) and the matter is solved and settled in favour of the area office.
- ii) Rectified — the matter is amended or corrected in favour of the client.
- iii) Not substantiated — area office correct in its determination.
- iv) Discontinued — matter discontinued by client.

AREA OFFICE	REASON FOR SERVICE REFUSAL				OUTCOME/RESULT				TOTAL
	FISCAL	RANGE	PROFESSIONAL DISCRETION	COMPLAINT	NOT SUB- STANTIATED	RESOLVED	RECTIFIED	DISCONTINUED	
Central Office	0	0	1	1	2	0	0	0	2
Battlefords	0	2	1	3	1	3	1	1	6
Meadow Lake	0	1	1	1	2	1	0	0	3
Melfort	1	0	3	1	3	0	2	0	5
Moose Jaw	1	0	0	2	3	0	0	0	3
Northern	1	0	3	1	3	0	2	0	5
Prince Albert	3	2	0	2	4	3	0	0	7
Regina City	1	1	8	2	4	1	4	3	12
Regina Rural	3	0	1	1	2	2	1	0	5
Saskatoon City	25	39	16	7	55	14	8	10	87
Saskatoon Rural	3	0	0	2	2	0	2	1	5
South East	2	1	2	2	1	3	3	0	7
Swift Current	5	1	0	2	3	1	4	0	8
Yorkton	2	5	0	0	3	4	0	0	7
TOTALS	47	52	36	27	88	32	27	15	162

Applications Received April 1, 1987 to March 31, 1988

Area Office	FULL SERVICE					SUB TOTAL
	Adult Criminal	Young Offender	Family	Civil	Provincial Statutes	FULL SERVICE
Central	37	3	68	0	0	108
Battlefords	729	289	321	8	6	1353
Meadow Lake	542	132	130	12	109	925
Melfort	369	117	153	4	7	650
Moose Jaw	311	138	416	44	5	914
Northern	1278	365	226	29	25	1923
Prince Albert	1538	365	549	52	1	2505
Regina City	1549	807	741	33	4	3134
Regina Rural	535	117	293	16	37	998
Saskatoon City	1574	544	765	2	0	2885
Saskatoon Rural	238	50	348	6	4	646
South East	119	34	106	1	1	277
Swift Current	110	36	124	7	0	261
Yorkton	597	233	262	7	3	1102
TOTALS	9526	3230	4502	221	202	17681
Percentage of Applications Received	37%	12%	17%	1%	1%	68%

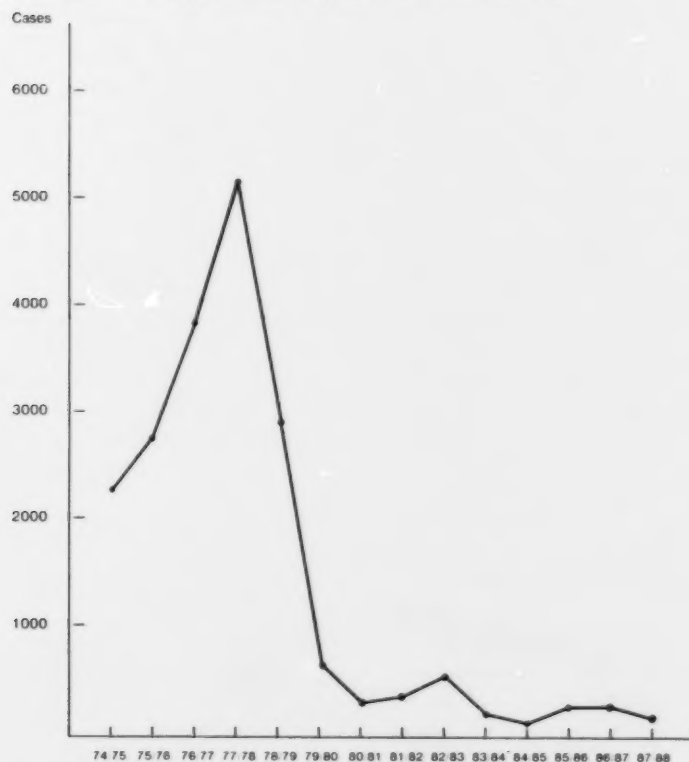
Case Statistics for Legal Aid Staff



	OPENED	CLOSED
1974/75	5172	Not Available
75/76	15548	Not Available
76/77	18478	15359
77/78	23245	16755
78/79	15904*	16177
79/80	16250*	14313
80/81	27204	23912
81/82	26167	26066
82/83	28314	26400
83/84	25948	25086
84/85	16767**	15301
85/86	17385	14469
86/87	19659	18274
87/88	17681	Not Available

SUMMARY ADVICE	REFUSED SERVICE			SUB TOTAL REFUSED	TOTAL APPLICATIONS RECEIVED
	Financial	Range of Services	Professional Merit		
262	0	1	10	11	381
372	22	1	4	27	1752
576	18	15	6	39	1540
237	17	6	1	24	911
142	14	2	6	22	1078
600	15	5	6	26	2549
293	28	5	9	42	2840
1661	50	3	5	58	4853
321	15	0	0	15	1334
1465	168	247	81	496	4846
576	10	1	0	11	1233
314	18	12	5	35	626
245	2	0	1	3	509
456	21	18	10	49	1607
7520	398	316	144	858	26059
29%	1.5%	1%	0.5%	3%	100%

Cases Completed By the Private Bar



	Number of Cases	\$
1974 75	2200	221,266
75 76	2719	392,635
76 77	3797	646,664
77 78	5131	984,107
78 79	2843	824,770
79 80	625	145,301
80 81	253	113,166
81 82	378	195,130
82 83	525	407,820
83 84	156	211,606
84 85	54	68,218
85 86	249	115,107
86 87	259	129,542
87 88	96	110,227

Reciprocity 1987/88
April 1, 1987 to March 31, 1988

REFERRED TO:

	AB	BC	MB	NB	NS	NF	NWT	ON	PEI	QB	YK	TOTAL
Access	1	2	3	0	0	0	0	1	0	1	0	8
Child Apprehension	2	1	2	0	0	0	0	0	0	0	0	5
Criminal	2	0	0	0	0	0	0	0	0	0	0	2
Custody	6	3	5	0	0	0	0	5	0	0	1	20
Divorce	5	3	3	0	1	0	0	2	1	1	0	16
Maintenance	1	4	3	0	1	0	0	1	0	0	0	10
TOTAL	17	13	16	0	2	0	0	9	1	2	1	61

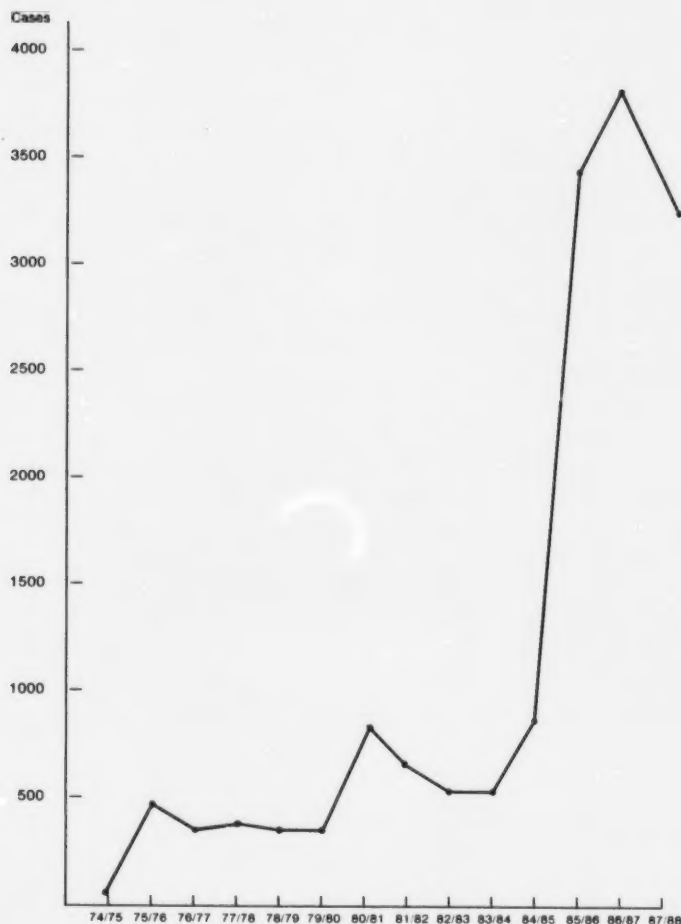
REFERRED FROM:

	AB	BC	MB	NB	NS	NF	NWT	ON	PEI	QB	YK	TOTAL
Access	4	4	2	0	0	0	0	2	0	1	0	13
Child Apprehension	0	2	0	0	0	0	0	0	0	0	0	2
Criminal	1	0	1	0	0	0	0	1	0	0	0	3
Custody	14	5	4	0	0	0	0	2	1	0	0	26
Divorce	9	7	2	0	0	0	0	2	0	0	0	20
Maintenance	2	3	1	0	0	0	0	1	0	1	2	10
TOTAL	30	21	10	0	0	0	0	8	1	2	2	74

REFUSED:	Refused from within province	20
	Refused from other provinces	14
	TOTAL	34

The Saskatchewan Legal Aid Plan participates in a nation-wide agreement to provide legal services to eligible applicants resident in other provinces.

Juvenile Delinquents Act/ Young Offenders Act Statistics



1974/75	31
75/76	472
76/77	347
77/78	385
78/79	355
79/80	360
80/81	886
81/82	659
82/83	529
83/84	533
84/85	882*
85/86	3411**
86/87	3751
87/88	3230

*Young Offenders Act proclaimed for 12-15 year olds.
**16 & 17 year olds included.

Official Representative Cases

Number of Files Opened
For Year Ending March 31, 1988

MENTAL HEALTH REGION	1988	1987
Battlefords	77	82
Moose Jaw	62	73
Prince Albert	106	128
Regina	199	243
Saskatoon	169	210
Swift Current	27	27
Weyburn	19	26
Yorkton	41	58
TOTAL	700	847

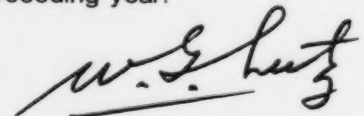
Auditor's Report

To the Members of the
Legislative Assembly of
Saskatchewan

I have examined the balance sheet of The Saskatchewan Legal Aid Commission as at March 31, 1988 and the statement of revenue, expenditure, and operating surplus for the year then ended. My examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as I considered necessary in the circumstances.

Regina, Saskatchewan,
May 6, 1988.

In my opinion, these financial statements present fairly the financial position of the Commission as at March 31, 1988 and the results of its operations and the changes in its financial position for the year then ended in accordance with the accounting principles disclosed in Note 1 to the financial statements applied on a basis consistent with that of the preceding year.



W.G. Lutz, F.C.A.,
Provincial Auditor.

The Saskatchewan Legal Aid Commission
Balance Sheet
As at March 31

	<u>1988</u>	<u>1987</u>
ASSETS		
Current		
Cash	\$ 96,506	\$ 22,283
Accounts receivable	16,643	1,352
Prepaid expense	71,308	102,130
Total current assets	<u>184,457</u>	<u>125,765</u>
Fixed — at cost (Note 1)		
Furniture and equipment	419,173	398,586
Library	754,389	723,850
Total fixed assets	<u>1,173,562</u>	<u>1,122,436</u>
	<u>\$1,358,019</u>	<u>\$1,248,201</u>

LIABILITIES AND EQUITY

Current		
Accounts payable and accrued liabilities	\$ 159,832	\$ 126,837
Equity		
Equity in fixed assets	1,173,562	1,122,436
Operating surplus	24,625	(1,072)
Total equity	<u>1,198,187</u>	<u>1,121,364</u>
	<u>\$1,358,019</u>	<u>\$1,248,201</u>

(See accompanying notes to the financial statements)

The Saskatchewan Legal Aid Commission
Statement of Revenue, Expenditure and Operating Surplus
Year Ended March 31

	<u>1988</u>	<u>1987</u>
Revenue:		
Consolidated Fund appropriation	\$5,831,900	\$6,264,750
Contractual revenue	100,000	100,000
Other	214,581	81,127
	<u>6,146,481</u>	<u>6,445,877</u>
Expenditure:		
Salaries and employee benefits	5,138,139	5,434,035
Administrative and operating expenses (Schedule 1)	528,784	545,848
Provision of legal services	110,226	129,542
Other legal expenses	99,608	110,187
Travel	185,083	196,679
Library and equipment purchases	58,944	103,830
	<u>6,120,784</u>	<u>6,520,121</u>
Excess of revenue over expenditure (expenditure over revenue)	25,697	(74,244)
Operating surplus, beginning of year	(1,072)	73,172
Operating surplus, end of year	<u>\$ 24,625</u>	<u>\$ (1,072)</u>

(See accompanying notes to the financial statements)

**The Saskatchewan
Legal Aid Commission
Notes to Financial Statements
March 31, 1988**

1. Accounting Policies

a) Revenue

The following are included in revenue for the Commission:

- i) sums required for the purposes of the Commission as appropriated by the Legislature and received by the Commission less any unexpended funds remaining from the legislative appropriation for a fiscal year unless authorized by Treasury Board;
- ii) compensation received pursuant to a contractual agreement with the Department of Health to provide official representative services;
- iii) other miscellaneous receipts including revenue from contributions for provision of legal services of \$143,364 (March 31, 1987 - \$19,825).

b) Fixed Assets

The Commission utilizes fund accounting wherein expenditures for fixed assets appear in the statement of revenue and expenditures. To maintain accountability for fixed assets, it is necessary to record them as a balance sheet asset with a corresponding entry to "Equity in Fixed Assets". Because fixed asset purchases are included in the statement of revenue and expenditure, no provision has been made for depreciation of the fixed assets.

At the time of disposal or retirement, the costs of assets disposed or retired are removed from the fixed asset accounts together with a corresponding entry to "Equity in Fixed Assets."

2. Incorporation

The *Legal Aid Act* came into force on September 1, 1983 by Order in Council 1275/83 and continued The Saskatchewan Community Legal Services Commission as a body corporate under the name of The Saskatchewan Legal Aid Commission. The purpose of the Commission is to provide legal services in criminal and civil proceedings or matters to persons and organizations financially unable to secure those services from their own resources.

3. Office Rent

During the fiscal year, the cost of accommodation for all offices of the Commission was absorbed by the Department of Social Services and accordingly the Commission did not pay any rent for the use of that space. Neither the value of this benefit nor the costs related to this space is reflected in the financial statements.

The Saskatchewan Legal Aid Commission
Schedule of Administrative and Operating Expenses
Year Ended March 31

	<u>1988</u>	<u>1987</u>
Telephone	\$205,441	\$188,382
Other operating expenses	119,848	125,116
Contractual services	74,166	87,133
Stationery and office supplies	40,663	62,191
Periodicals	63,754	55,361
Photocopying	<u>24,912</u>	<u>27,665</u>
 Total administrative and operating expenses (Statement 2)	 <u><u>\$528,784</u></u>	 <u><u>\$545,848</u></u>

(See accompanying notes to the financial statements)

